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Notice of Allowability

Application No.

10/685,639

Applicant(s)

BISSET, DAVID ALEXANDER

Examiner

Bryan Bui

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/28/2005.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Applicant's papers filed on 7/28/2005 have been received and entered. Claims 1-6, 11 have been amended. Claims 1-15 are pending in the application.
2. Applicant's remarks have been considered.

Allowable Subject Matter

3. Claims 1-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1-15 are allowable over the prior art of record because none of the prior art whether taken singularly or in combination to teach the claimed combination as recited, particularly require: providing predetermined frequency, amplitude and phase values for each of a plurality of tones for the selected predetermined profile and generating a digital noise signal based on the sum of the plurality of tones (claim 1); a digital signal processor coupled to the memory for obtaining the predetermined frequency, amplitude and phase values for the plurality of tones for a selected one of the plurality of predefined profiles and for generating a digital noise signal based on a sum of the plurality of tones (claim 9).

The closest prior art of record (EP 1164696) discloses Wander generator for generating a test signal having wander, a center frequency information setting means for setting data for determining a center frequency of the clock signal, characteristic information setting means for setting characteristic information of the desired time deviation characteristic; a fluctuating signal sequence generator for generating a fluctuating signal sequence having a power spectrum density distribution characteristic

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of frequency fluctuations corresponding to the desired time deviation characteristic based on characteristic information setting means; an adder for adding data set by the center frequency information setting means to the fluctuating signal sequence output from the fluctuating signal sequence generator unit ; a direct digital synthesizer for outputting a frequency signal corresponding to an output of the adder (page 5, lines 5-47). Other reference (EP 1167985) discloses a wander generator is constituted of a center frequency setting section, a fluctuation signal row generation section, an adding section, a direct digital synthesizer and a clock signal output circuit wherein the center frequency setting section transmits the digital data for determining a center frequency of the output signal of the direct digital synthesizer to the adding section as a center frequency of a clock signal to be employed in a test signal, which is outputted from the wander generation means and adding section adds the data which is set by the center frequency setting section and the fluctuation signal row which is outputted from the fluctuation signal row generation section, to transmit the data of this addition result to the direct digital synthesizer and the direct digital synthesizer reads out waveform data of a clock signal to which a component of the fluctuation signal row which is included in the data of the addition result from the adding section is added as a wander, with respect to a stored reference sine waveform (page 14, lines 22-34). None of the prior art teaches or suggests the claimed combination as recited in the current application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

9/13/2005

**BRYAN BUI
PRIMARY EXAMINER**

